

In re Application of: Gunter et al.
Application No.: 09/436,135

Remarks

In the application, claims 1 through 15 are pending. No claims currently stand allowed.

The Final Office Action dated May 17, 2004, has been carefully considered. The Final Office Action rejects claims 1 and 3 through 14 under 35 U.S.C. § 103(a) as obvious in light of U.S. Patents 6,311,218 (“Jain”) and 5,684,951 (“Goldman”). Claims 2 and 15 are rejected as obvious in light of Jain, Goldman, and U.S. Patent 5,757,916 (“MacDoran”).

The present application describes a user-authentication scheme that is “out-of-band,” that is to say, that is outside of the protocols used to transmit “network” data. (“Network” data means data that are not transmitted solely as part of the user-authentication scheme.) The user authenticates himself via a public/private encryption key-based, challenge/response mechanism. However, because this authentication scheme is out-of-band, the existing data transmission protocol cannot make use of the authentication. Therefore, there needs to be some way to associate the authenticated user with the network data actually transmitted by the user. The present invention solves this by encrypting a portion of the user’s transmitted network data into a “message digest” and by then making the encrypted message digest part of the authentication process. Only the authenticated user has the knowledge needed to correctly perform this encryption. The policy agent that performs the authentication compares the network data transmitted by the user with the message digest, which it can decrypt. If they match, then the policy agent knows that these network data must have been transmitted by the authenticated user.

The network data are thus *used* in the authentication scheme of the present invention, but they do not exist *solely* as part of the authentication scheme. The user transmits them primarily in order to perform some network task other than authentication (to query a database or to retrieve a web page, for example). Once the network data are associated with an authenticated user, the policy agent can decide whether to accept them for their non-authentication purpose (probably by passing them on to their intended recipient, see the specification, page 4, lines 4 through 5, and page 10, lines 8 through 13 and lines 21 through 23). Network data that cannot be associated with an authenticated user can be rejected (for example, see the specification, page 14, lines 15 through 24).

Claims 1 and 8 are amended to clarify this role of the network data, that is to say, to show that the network data are transmitted *both* for an authentication purpose *and* for a non-authentication purpose. The network data are not transmitted *solely* as part of the authentication scheme.

In re Application of: Gunter et al.
Application No.: 09/436,135

In a manner somewhat similar to the present invention, Jain describes a user-authentication scheme based on a public/private encryption key, challenge/response mechanism. However, Jain's authentication mechanism is entirely *in-band*, so that it does not need to address the problem of associating in-band network data with an out-of-band user-authentication. Neither does Goldman. Thus, while Jain and Goldman discuss the role of user data in the authentication process (of course), they do not discuss the use of that *same* data for some purpose beyond user authentication. Neither Jain nor Goldman, either separately or in combination, anticipate or render obvious the following elements of the independent claims (as currently amended):

Claim 1:

comparing the first and second message digest values to determine whether a match is found; and
if a match is found, then *forwarding the network data to their specified recipient*, else not forwarding the network data to their specified recipient.

Claim 8:

comparing the first and second message digest values to determine whether there is a match therebetween, and
if a match is found, then *forwarding, by the policy agent, the network data to their specified recipient*, else not forwarding the network data to their specified recipient.

(Emphasis added.) The portions of Jain and Goldman pointed to by the Office Action discuss the use of data *within* the authentication process. Their data are *not* used for a non-authentication purpose.

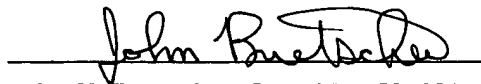
As the combination of the cited art neither anticipates nor renders obvious these independent claims, and as all other currently pending claims depend from these two claims, applicants request that the rejections be withdrawn and that all currently pending claims be allowed.

In re Application of: Gunter et al.
Application No.: 09/436,135

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



John T. Bretscher, Reg. No. 52,651
One of the Attorneys for Applicants
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312)616-5600 (telephone)
(312)616-5700 (facsimile)

Date: October 15, 2004